IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1833 OF 2004

Abdul Latif Rafiq Malim : Petitioner

V/s.

The Union of India & Anr. : Respondents

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Mr.G.H.Shukla for the petitioner.

Mr.K.R.Belosay, Asstt. Govt. Pleader, for respondent No.2.

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CORAM : DALVEER BHANDARI,C.J.&
DR.D.Y.CHANDRACHUD, J.

September 24, 2004.

P.C.:

1. It is alleged that the petitioner was born at Rajapur Waghuwada, Dist. Ratnagiri. Since the parents of the petitioner were not educated and as the petitioner was born in a village, the birth of the petitioner was not registered with the Registrar of Births. The petitioner states that the mother of the petitioner was not well after giving birth to the petitioner and expired in the month of October 1952 i.e. two months after giving birth to the petitioner and, therefore, the birth of the petitioner remained to be registered.

2. The petitioner made an application to the Registrar of Births, post Rajapur, for a Birth Certificate. However, the Registrar, by his letter dated 16.6.2004, informed the petitioner that after verifying the register for the year 1952, the birth of the petitioner is not found to be registered with the Registrar. The petitioner had applied for a Passport to the Consulate General of India, Dubai (U.A.E.). It is averred in the petition that the petitioner obtained the Passport on 6.4.2004. An earlier Passport which was issued on 27.4.1994 had expired. The petitioner has approached this Court almost after ten years for correction of his Date of Birth. He prays that his Date of Birth be corrected as 20.8.1952.

3. The petitioner has averred that his uncle filed an affidavit dated 18.4.2003 wherein he has solemnly declared the correct Date of Birth of the petitioner. It may be pertinent to mention that the petitioner had approached the Consulate General of Dubai (U.A.E.) with a request to correct his Date of Birth. The Consulate General has declined to accede to the request of the petitioner and informed that such rectification cannot be carried out. The petitioner thereafter approached the Regional Passport Office, Mumbai, with a written application requesting to

make necessary rectification in the Passport. The petitioner's request was declined by the Passport authority. It may be mentioned that under the Indian Passport Act or the Rules made thereunder, there is no adjudicatory power conferred upon the authority to carry out the exercise of rectification of particulars entered in a Passport. It is stated in the petition that the petitioner is working in Dubai. The petitioner has further stated that he will not be allowed to renew his work permit in the event he fails to furnish either the rectified Passport or a new Passport to the Consulate General of Dubai (U.A.E.).

4. We have heard the learned counsel for the parties and perused the petition and the documents which are annexed along with the petition. In our considered opinion, in the facts and circumstances of the case, no interference is called for. The petition being devoid of any merit is dismissed.

Sd/-

CHIEF JUSTICE

Sd/-

DR.D.Y.CHANDRACHUD, J.